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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/787,097	06/27/2001	Jonathan S. Duke-Cohan	00530-089002	1296
7590	02/01/2005			
Fish & Richardson 225 Franklin Street Boston, MA 02110-2804			EXAMINER HADDAD, MAHER M	
			ART UNIT	PAPER NUMBER
			1644	
DATE MAILED: 02/01/2005				

Please find below and/or attached an Office communication concerning this application or proceeding.

Response to Rule 312 Communication	Application No.	Applicant(s)	
	09/787,097	DUKE-COHAN ET AL.	
	Examiner	Art Unit	
	Maher M. Haddad	1644	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

1. ☒ The amendment filed on 23 December 2004 under 37 CFR 1.312 has been considered, and has been:

a) ☐ entered.

b) ☐ entered as directed to matters of form not affecting the scope of the invention.

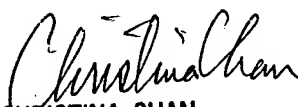
c) ☐ disapproved because the amendment was filed after the payment of the issue fee.

Any amendment filed after the date the issue fee is paid must be accompanied by a petition under 37 CFR 1.313(c)(1) and the required fee to withdraw the application from issue.

d) ☒ disapproved. See explanation below.

e) ☐ entered in part. See explanation below.

Applicant has not provided the assignment document as supporting evidence that the present application and both the '551 patent and the '989 patent were subject to the same assignment at the time the invention of the present application was made. Further, the proposed amendment to claim 6 raises a new issue. Claim 6 recites a nucleic acid sequence encoding a fusion protein, the fusion protein consist of (a) a polypeptide and (b) a nucleic acid. It is unclear how a fusion protein can contain one segment as amino acids and the other segment as nucleic acid. Further, the Drawings submitted on 5/5/03 have been entered


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